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11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 EUGENIO ENRIQUE CORONA,

14 Plaintiff,

Case No.: 3:17-cv-407

15 vs.

16 **DEMAND FOR JURY TRIAL**

17 WASHOE COUNTY DEPUTY SHERIFF
18 JASON WOOD and WASHOE COUNTY
19 DEPUTY SHERIFF FRANCISCO GAMBOA,

20 Defendant(s),
_____ /

21 **COMPLAINT FOR DAMAGES AND DECLARATORY RELIEF FOR EXCESSIVE**
22 **FORCE BY POLICE OFFICERS**

23 **Introduction**

24 1. This action is brought by Plaintiff EUGENIO ENRIQUE CORONA (“Plaintiff” or
25 “Corona”), by and through the undersigned counsel, to secure redress for Defendants WASHOE
26 COUNTY DEPUTY SHERIFF JASON WOOD (“Deputy Wood”) and WASHOE COUNTY
27 and DEPUTY SHERIFF FRANCISCO GAMBOA (“Deputy Gamboa”) for violation of the
28 Plaintiff’s civil right to be free from excessive force and for assault and battery.

Jurisdiction and Venue

2. This Court has jurisdiction of this action pursuant to 28 U.S.C. Sections 1331, 1343, 2201; 42 U.S.C. Sections 1983 and 1988; and associated state law claims.

3. Venue in this action is appropriate in the District of Nevada pursuant to 28 U.S.C. Section 1391(b), and the transaction or occurrence before the Court occurred in this District.

Parties

4. Plaintiff Corona is a resident of Washoe County.

5. Deputy Wood is and at all relevant times was a Washoe County Deputy Sheriff acting under color of law.

6. Deputy Gamboa is and at all relevant times was a Washoe County Deputy Sheriff acting under color of law.

7. Plaintiff alleges that the Defendants Deputy Wood and Deputy Gamboa performed, participated in, aided and/or abetted in some manner the acts averred herein, proximately causing the damages averred below and is liable to him for the damages and other relief sought herein.

Factual Allegations

8. On January 18, 2017 at approximately 3 p.m., Deputy Wood attempted to pull over the Plaintiff at the intersection of McCarran Blvd. and Wedekind Road in the City of Sparks, Washoe County, Nevada. The Plaintiff fled and a chase ensued.

9. According to a report later created by Deputy Wood, the Plaintiff was wanted for Probation Violation on a Federal Felony arrest warrant for violating conditions of his release.

10. During the chase, the Plaintiff was driving a white model year 1999 Ford F150 pickup. Deputy Wood was following the Plaintiff in his Washoe County Sheriff's Office K9 Unit SUV, in which he was accompanied by a police dog named "Rony." Deputy Gamboa was also in pursuit of the Plaintiff in a separate Washoe County Sheriff's Office SUV, following behind Deputy Wood.

11. The chase of the Plaintiff by Deputy Wood and Deputy Gamboa traced a path on Wedekind Road from McCarran Blvd. for approximately 5 miles to Montello St., where the Plaintiff crashed his vehicle in the yard of a residence located on the southwest corner of

1 Montello St. and Wilder St. at 1897 Wilder St.

2 12. After crashing his vehicle, the Plaintiff exited his vehicle and ran approximately 15
3 yards to the driveway of the home next to 1897 Wilder St. at 1885 Wilder St. where the Plaintiff
4 stopped, got on his knees and placed his hands on the top his head, abandoned his attempt to
5 flee, and surrendered. The surrender was unequivocal: Plaintiff was on his knees with his hands
6 above his head. No reasonable officer could have construed Plaintiff's actions as anything other
7 than a complete surrender.

8 13. After the Plaintiff abandoned his attempt to flee and surrendered, Deputy Wood
9 released Rony from his patrol vehicle, yelling, "arrest him!" and "get that bad guy" and "thrash
10 him!" at which time Deputy Wood exited his vehicle. Rony viciously attacked the Plaintiff while
11 Plaintiff was in complete surrender by biting into the Plaintiff's shoulder and chest. While Rony
12 was mauling the Plaintiff, and Plaintiff remained in the surrender position, Deputy Wood yelled at
13 the Plaintiff, "Stop resisting." Plaintiff was not resisting during the vicious attack by Rony but
14 instead was screaming in pain from being attacked by Rony.

15 14. While Rony was attacking the Plaintiff, Deputy Gamboa exited his vehicle, ran
16 towards the Plaintiff, grabbed the Plaintiff, and punched the Plaintiff in the face with a closed fist
17 also while yelling "stop fighting me [expletive]!" Plaintiff was not fighting with Deputy Gamboa,
18 Plaintiff remained in the surrender pose

19 15. Rony mauled the Plaintiff for more than a minute, a large portion of which the
20 Plaintiff had multiple law enforcement officers holding the Plaintiff down, before Rony was
21 ordered to release his grip by Deputy Wood.

22 16. The dashcam footage from Deputy Wood's vehicle, attached hereto as Exhibit 1,
23 shows that the Plaintiff exiting his vehicle. But does not show the encounter between the Plaintiff
24 and Rony. However, the dashcam footage of Deputy Gamboa, attached hereto as Exhibit 2, does
25 show the entire encounter, and clearly and inarguably shows that the Plaintiff abandoned his
26 attempt to flee and surrendered.

27 17. The dashcam footage in Exhibit 2 clearly contradicts Deputy Wood's later declaration
28 that the Plaintiff was actively fleeing when he was apprehended by Rony.

1 the plaintiff had abandoned his attempt to flee and surrendered was excessive, unlawful, and
2 unreasonable, causing injury and physical pain and suffering to the Plaintiff.

3 28. By the actions described above, Deputy Wood and Deputy Gamboa deprived Plaintiff
4 of the following clearly established and well-settled constitutional rights:

- 5 a. Freedom from the use of excessive and unreasonable force;
- 6 b. Freedom from the deprivation of liberty without due process of law;
- 7 c. Freedom from summary punishment.

8 29. Deputy Wood and Deputy Gamboa subjected Plaintiff to these deprivations of his
9 rights either maliciously, or by acting with a reckless disregard for whether Plaintiff's rights would
10 be violated by their actions.

11 30. As a direct and proximate result of the described unlawful and malicious conduct by
12 Deputy Wood and Deputy Gamboa, committed under color of law and under authority as
13 Deputy Sheriffs, the Plaintiff suffered injury, severe physical pain and suffering and emotional
14 distress. As a result, he was deprived of his right to be secure in her person against violations of
15 his rights under the Fourth Amendment of the United States Constitution.

16 31. The acts of Deputy Wood and Deputy Gamboa were intentional, wanton, malicious
17 and oppressive and made with reckless indifference to plaintiff's rights thus entitling Plaintiff to
18 an award of punitive damages.

19 **Second Cause of Action**

20 (Assault and Battery)

21 32. Plaintiff realleges and incorporates each and every allegation contained in the
22 preceding paragraphs.

23 33. Deputy Wood released a viscous dog to set upon the Plaintiff and maul the Plaintiff
24 against his will and without his permission and after the plaintiff had abandoned his attempt to
25 flee and surrendered.

26 34. Deputy Gamboa set upon the Plaintiff and punched the Plaintiff in the face with a
27 closed fist against his will and without his permission and after the plaintiff had abandoned his
28 attempt to flee and surrendered.

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Exhibit List

1. Video of incident from Deputy Wood's dashcam
2. Video of incident from Deputy Gamboa's dashcam